of polystyrene, polyethylene, polyethylene terephthalate, polypropylene, polyvinylchloride, and copolymers thereof.--

Amend claim 21 as follows:

--21. (amended) A sheet according to claim 18, wherein said thermoplastic material is selected from the group consisting of polystyrene, polyethylene, polyethylene terephthalate, polypropylene, polyvinylchloride, and copolymers thereof.--

REMARKS

The claims have been amended as to form but not as to content. It is believed that, as to content, the claims recite patentable subject matter as filed. Therefore, the changes made in the claims are purely formal in nature and do not in any way restrict the scope of the invention.

Reconsideration is accordingly respectfully requested, for the rejection of the claims as anticipated by or unpatentable over UEDA et al. 4,959,207, alone or in view of JP 61-120638, or further in view of JP 363150353, or as unpatentable over UEDA et al. in view of EP 0 849 309, or as unpatentable over JP 61-120638 and JP 363150353 in view of EP 0 849 309.

The rejections fall down, in that they totally fail to teach an open cell expanded thermoplastic material.

As to the importance of the open cell nature of the sheet of the present invention, this is no afterthought but was carefully spelled out in the application as filed.

See in particular page 6, beginning on line 20 and concluding on page 7, line 19.

As is there pointed out, a substantially open cell structure of the sheet of the present invention plays a very important role in facilitating the action of the adsorbent material, as it allows distributing the material on a very large surface, which facilitates the adsorbent action of the material on the molecules of odoriferous substances.

As is also pointed out in our specification, the substantially open cell structure of a tray according to the invention having 85% of open cells is 30 to 40 times greater than the surface of the tray itself.

Thus, the adsorption of odoriferous substances by the adsorbent material of the present invention, in the open cell construction of the present invention, is greater than if a closed cell expanded thermoplastic material were used.

As the references are believed to be totally silent as to open cell construction, the prior art simply does not teach this important aspect of the present invention.

As all the claims are limited to open cell construction, they are all patentable for this reason.

The claims are also patentable for other reasons. Specifically, the odor-adsorbing material to which the Examiner refers is in fact a deodorant composition as claimed in claim 1 of UEDA et al., i.e., a composition including a compound having

an acid anhydride group in the molecule and a copper salt of an inorganic or monomeric organic acid. This deodorant composition may be in the form of a powder or of a solution or a tablet or as a deodorant resin composition (see column 5, lines 26-30).

The deodorant composition can also be used in the form impregnated in or coated on an impregnable or coatable substrate (e.g., paper or foamed sheet) or in the form supported on an inorganic substrate, i.e., in the form of a deodorant composite material (see column 5, lines 30-35).

It is only in connection with this latter use that substances such as activated carbon, alumina, silica gel, etc. are mentioned in UEDA et al. (see column 5, lines 35-39).

In other words, the deodorant composition (which is made of a compound having an anhydride group in its molecule and a copper salt) can be incorporated as such into a thermoplastic resin, or it can be either impregnated in or coated on a foamed sheet (and thus must be a solution) or, finally, it can be supported on an inorganic substrate.

However, UEDA et al. do not teach that the deodorant composition can be at first supported on an inorganic substrate to obtain a composite material that is then incorporated into a thermoplastic resin.

Therefore, the sheet of thermoplastic material described in UEDA et al. does not contain a finely divided solid

material provided with adsorbing properties towards odoriferous volatile substances.

The relevance of JP 61-120638 to the subject matter of the present application is hardly understood. From the abstract of this document, one cannot deduce that a food package is taught, comprising a foamed sheet with odor-absorbing particles having a size of 150 μm or finer.

In the Japanese abstract, no mention is made of a use of the foam in connection with food packages; moreover, there are no hints to the adsorption of odoriferous substances but to the absorption of water (see under PURPOSE).

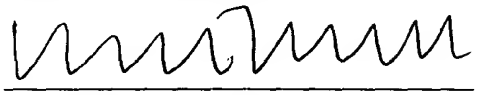
As far as the rejection of paragraph 11 of the Official Action is concerned, the additional document cited (JP 36315035A) teaches the incorporation of aluminum oxide into an expanded resin for adsorbing smell, but once again is totally silent on the essential feature of the foam being substantially open-celled.

As the claims now in the case bring out these distinctions with ample particularity, it is believed that they are all patentable, and reconsideration and allowance are respectfully requested.

Attached hereto is a marked-up version of the changes made to the claims. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

Respectfully submitted,

YOUNG & THOMPSON

By 

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December 30, 2002

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 3 has been amended as follows:

--3. (amended) A tray according to claim 2, wherein said material is selected from the group [comprising aluminium] consisting of aluminum oxide, bentonite, kaolin, activated charcoal, zeolites, synthetic polymers with a high melting point [such as polyphenyloxide and polyimides], graphite, mica, diatomaceous earth, pumice and clay.--

Claim 8 has been amended as follows:

--8. (amended) A tray according to claim 2, wherein said thermoplastic material is selected from the group [comprising] consisting of polystyrene, polyethylene, polyethylene terephthalate, polypropylene, polyvinylchloride, and copolymers thereof.--

Claim 10 has been amended as follows:

--10. (amended) A tray according to claim 6, wherein said thermoplastic material is selected from the group [comprising] consisting of polystyrene, polyethylene, polyethylene terephthalate, polypropylene, polyvinylchloride, and copolymers thereof.--

Claim 14 has been amended as follows:

--14. (amended) A sheet of substantially open-cell expanded thermoplastic material provided with apertures on at least one [of its surfaces] surface of said sheet, and having the

property of adsorbing [smelly] odoriferous volatile substances, which sheet contains at least 0.5% by weight of a powder material provided with adsorbing properties towards said substances.--

Claim 15 has been amended as follows:

--15. (amended) A sheet of expanded thermoplastic material according to claim 14, wherein said material is selected from the group [comprising aluminium] consisting of aluminum oxide, bentonite, kaolin, activated charcoal, zeolites, synthetic polymers with a high melting point [such as polyphenyloxide and polyimides], graphite, mica, diatomaceous earth, pumice and clay.--

Claim 20 has been amended as follows:

--20. (amended) A sheet according to claim 14, wherein said thermoplastic material is selected from the group [comprising] consisting of polystyrene, polyethylene, polyethylene terephthalate, polypropylene, polyvinylchloride, and copolymers thereof.--

Claim 21 has been amended as follows:

--21. (amended) A sheet according to claim 18, wherein said thermoplastic material is selected from the group [comprising] consisting of polystyrene, polyethylene, polyethylene terephthalate, polypropylene, polyvinylchloride, and copolymers thereof.--